

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 3, 4, 6, and 9-15 are pending. By the present amendment, Claims 3 and 6 are amended. Support for the present amendment can be found in the originally filed specification, for example, at page 14, line 6 to page 15, line 26 and in Figure 5. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 3, 4, 6, 9, and 11-15 were rejected under 35 U.S.C. § 102(e) as anticipated by Weiler et al. (U.S. Patent No. 6,725,205, hereinafter “Weiler”); and Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Weiler in view of Tanaka (U.S. Patent No. 6,721,879).

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering of amendments, canceling claims, comply with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in a better form for consideration on appeal. The present amendment amends Claims 3 and 6 to be in better form for a consideration on appeal. It is respectfully submitted that this amendment only includes the subject matter which was earlier presented. Thus, no new matter has been added, and this amendment does not raise new issues requiring further search and/or consideration. Thus, it is respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In response to the outstanding rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a), Applicants respectfully traverse these rejections as discussed below.

Amended Claim 3 recites, *inter alia*, a data recording medium for use with a recording/reproducing apparatus, wherein “the designated program is automatically executed by the recording/reproducing apparatus in response to the medium identification information

being detected on a data recording medium.” Thus, the recording/reproducing apparatus executes the designated program automatically as soon as the medium identification information is detected on a data recording medium.

Weiler describes that software is assigned a target serial number unique to each system installation and that each disk drive in a computer system that is authorized to have the software installed thereon receives a target serial number associated with the system installation.¹ The software installation procedure described in Weiler will first identify the serial number associated with the software, and then after identifying the target serial number, determine whether a hard disk drive has the same serial number as the target serial number before installing the software.²

However, it is respectfully submitted that Weiler does not disclose or suggest a data recording medium for use with a recording/reproducing apparatus, including “the designated program is automatically executed by the recording/reproducing apparatus in response to the medium identification information being detected on the recording medium.”

Instead, as discussed above, it is respectfully submitted that Weiler describes that the software is not automatically executed once the target serial number on the software is identified. On the contrary, in the procedure described in Weiler, the software is only automatically executed ***once it is determined that the hard disk drive has the same serial number***. Thus, in the system described in Weiler, the software is not automatically executed in response to the medium identification information being detected on the data recording medium.

In the outstanding Office Action, in section 4 on pages 2 and 3, asserts that, because Weiler describes that the serial number on the medium and the hard disk drive must match,

¹ See Weiler, at column 4, lines 10-12 and 40-51.

² See Weiler, at column 6, lines 8-20 and Figure 4.

and both are detected before installation can proceed, that “it is in response to the detection of the medium identification information (serial number) on the data recording medium (software distribution medium) that the designated program (upgraded or new software program) is executed (installed).” However, as discussed above, amended Claim 3 recites that the designated program is *automatically executed* in response to the *medium identification information being detected on the data recording medium*, and that Weiler only describes that the software is automatically installed after detecting the target serial number *on the hard disk drive*, and is not automatically installed once a target serial number is identified on the software.

Therefore, it is respectfully submitted that Weiler does not disclose or suggest every feature recited in amended Claim 3. Thus, it is respectfully requested that the outstanding rejection of Claim 3, and all claims dependent thereon, as anticipated by Weiler be withdrawn.

It is respectfully submitted that amended Claim 6 recites method steps that correspond to those features discussed above with respect to Claim 3. Therefore, it is respectfully submitted that Weiler does not disclose or suggest every feature recited in amended Claim 6. Accordingly, Applicants respectfully request that the rejection of independent Claim 6, and all claims which depend thereon, as anticipated by Weiler be withdrawn.

Turning now to the outstanding rejection of Claim 10, as unpatentable over Weiler in view of Tanaka, it is noted that Claim 10 is dependent on Claim 3, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Tanaka does not cure any of the above-noted deficiencies of Weiler. Accordingly, it is respectfully submitted that Claim 10 is patentable over Weiler in view of Tanaka. Thus, Applicants respectfully request that the outstanding rejection of Claim 10 as unpatentable over Weiler be withdrawn.

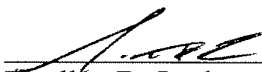
Consequently, in view of the foregoing amendments and remarks, it is respectfully submitted that the present application, including Claims 3, 4, 6, and 9-15, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

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